



An
Bord
Pleanála

Inspector's Report 248718

Development	Change of use and extension of existing 2 storey terraced premises from commercial bank premises to retail and ancillary uses
Location	85-87 Swords Road, Whitehall, D 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4252/16
Applicant	The Layden Group
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	The Viscount House
Date of Site Inspection	21/9/2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at 85-87 Swords Road, Whitehall, Dublin 9. The site is part of a two storey terrace of commercial development at the junction of Swords Road with Iveragh Road, south of Collins Avenue and north of Griffith Avenue. The site faces Swords Road. The Viscount House public house premises adjoins the site on its northern side. That premises runs along Iveragh Road for the extent of the subject site, with frontage also to Swords Road. At the end of the public house there is a gated entrance to a laneway which serves as the rear access to the commercial block and also serves a small site to the rear of No 2 Iveragh Road where a commercial yard is located.
- 1.2. The laneway is bounded on its eastern side by sheds to the rear of the Swords Road premises. On the subject site sheds a double gateway and high walls bound the laneway. The adjoining public house extends to the laneway occupying 100% of that site. The western side of the laneway is bounded by a high wall which runs along the flank of the dwelling No 2 Iveragh Road, at the end of which there is a gateway to a concreted yard which has the appearance of a stone mason's premises. Bins are stored along the entire extent of the eastern side of the laneway.
- 1.3. The subject site is occupied by a two storey building, with a double pitched tiled roof where it faces Swords Road and a single storey portion with a flat roof to the rear. There are sheds at the laneway to the rear, the remainder of the site is surfaced in concrete.
- 1.4. The building line of the block is set back from the footpath along Swords Rd with the area between, a wide footpath, finished in concrete. The footpath is set behind a strip of parallel pay parking along the road. The Swords Road is a busy arterial route with two traffic lanes and a cycle lanes, in each direction, to the front of the premises. The building line of the block is set back on Iveragh Road behind a wide concrete area which provides access to the premises and free to use end-on parking. There are footpaths along the building and also along the road. Several areas are marked for access to the premises.
- 1.5. The site is given as 471.3m².

2.0 Proposed Development

- 2.1. The proposed development is the erection of a part two storey, part single storey extension to the rear of the existing building and change of use from commercial bank premises to retail and ancillary uses. The existing premises is divided into adjoining rooms at ground level and into dwelling type accommodation at first floor. The proposal will comprise a single space at ground floor over the entire floor area with two stair wells at either end of the street frontage each with an access from the ground floor interior and also directly from the street. At first floor it is proposed to provide staff areas, a small office and a large storage area.
- 2.2. Following a request for additional information the proposal has been modified and now provides a small yard at the laneway to the rear.
- 2.3. The further information includes an auto-tracking drawing; alterations to the internal layout to include a goods lift; more detail of two shopfronts; and the open storage within the site is shown as facilitating bins.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The planning authority decided to grant planning permission subject to 9 conditions, including:

3 c) The development shall incorporate sustainable drainage systems in the management of stormwater. Full details of these shall be agreed in writing with the Drainage Division prior to commencement of construction.

e) All surface water discharge from the development must be attenuated to two litres per second per hectare. An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

4 Prior to the commencement of development details of the location of the plant and details of the materials, colours and textures of the plant screen and steel sliding gate shall be submitted to and agreed in writing by the Planning Authority.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.4. There are two planning reports the first of which recommended a further information request on three points:

- Overdevelopment and clarification regarding the location of waste/bin storage
- Servicing delivery arrangements for the site.
- To clarify if they have a legal agreement for the use of the private car parking spaces along Iveragh Road.

Chapter 7, Chapter 16 and appendix 3 of Dublin City Development Plan 2016-2022 are those relevant to retail use.

RD11 - To promote and facilitate the provision of accessible good quality convenience shopping that will engender competition and service all areas of the city, particularly with regard to the inner city.

RD15 - To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines.

RD21 - To promote and facilitate competition and innovation in the retail and other service sectors to the benefit of competitiveness and the consumer, as an integral part of the proper planning and sustainable development of the city.

Retail use is permissible in the Z3 zoning. The proposed development will consolidate the retail function of the neighbourhood centre. It is proposed to remodel the existing ground and first floor levels to provide 626 sqm gross floor area. The ground will comprise 437.8 sq m net retail floor area. It is also proposed to extend the first floor level and provide 188.3 sq m of ancillary retail uses.

The Development Plan sets out standards for site coverage and plot ratio for the purpose of preventing the adverse effects of over-development. The site coverage standard is 60% and the indicative plot ratio is 1.5-2.0 for Z3 lands. The plot ratio for the proposed development is 1.33 with a site coverage of 100%. It is considered that

given the scale height and layout and the orientation of the site the proposed development will not impinge unduly on adjoining properties. A revised drawing to be requested showing extension set back and clarifying the location of waste / bin storage.

Storage – there are two areas for storage.

Deliveries - There is an objection regarding the proposed use of the rear laneway for servicing / deliveries. The laneway is approx. 4.1m wide and the access doors to the lane are 2m having regard to the limited width of the access doors it is assumed that servicing will occur on the laneway. The laneway also provides access to the rear of other properties and any servicing / deliveries occurring could potentially obstruct other users. Clarification required re. the number, frequency and type of vehicles.

Parking spaces on Iveragh Road could potentially be used for deliveries.

Parking – Area 3 max 1 space per 75 sqm – 8 max. Existing on-street parking available.

3.5. The second planning report recommended the granting of permission.

3.5.1. Other Technical Reports

Engineering Department – Drainage Division, conditions.

Environmental Health - conditions.

3.6. The decision is in accordance with the planning recommendation.

3.7. **Third Party Observations**

3.8. A Third Party observation on the file from Michael O'Donnell & Associates on behalf of the Viscount House has been read and noted.

4.0 **Planning History**

0563/93 permission granted for erection of new signage and canopy remedial work to front elevation and refurbishment of pass machine.

5.0 Policy Context

5.1. Development Plan

Z3 Neighbourhood Centres Land-Use Zoning Objective Z3:

To provide for and improve neighbourhood facilities. These are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sqm of net retail floorspace. They can form a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced.

Permissible Uses include neighbourhood shop.

RD11 - To promote and facilitate the provision of accessible good quality convenience shopping that will engender competition and service all areas of the city, particularly with regard to the inner city.

RD15 - To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines.

RD21 - To promote and facilitate competition and innovation in the retail and other service sectors to the benefit of competitiveness and the consumer, as an integral part of the proper planning and sustainable development of the city.

16.24.1 Shop Storage - in the case of retail development, adequate on-site storage space should be provided at the discretion of the planning authority to reduce the frequency of deliveries and consequent traffic congestion.

5.2. Natural Heritage Designations

5.3. The South Dublin Bay and River Tolka SPA site code 004024 is the nearest Natura Site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. Michael O'Donnell & Associates have submitted a third party appeal on behalf of the Viscount House against the decision to grant permission. The grounds includes:

- The proposed development will impact on the Viscount House for reasons as set out.
- Site coverage – existing ground floor area is 261.80 sq m. Proposed ground floor area is 437.80 sq m. Following further information the area has been reduced to 405 sq m. Which represents 93% site coverage.
- The site is located in Zone 3 of DCC development plan and within this zoning Ch 16 para 16.6 provides for 60% site coverage. 93% is gross overdevelopment.
- Existing infrastructure such as parking and delivery access etc cannot support development of this scale.
- Re. the drawing submitted as further information showing 9 other convenience stores within 1.8km; with the exception of one store Supervalu, Lorcan Ave, all others are smaller with the majority substantially smaller.
- Deliveries – the application indicates that delivery vehicles will be accommodated in the pay and display parking bays on Swords Road or alternatively by use of the rear access lane. The pay and display may be occupied. The rear lane is extremely tight with a width of only 3.4m at some locations, and is unsuitable for delivery vehicles. There is no provision for a delivery vehicle to park in a lay-by off the lane and thus avoid blocking the rear access lane for delivery.

- The auto-tracking drawing is a small rigid truck overall length 7.17m. Given the retail floor area it is most likely that this store could be operated by one of the multiple convenience stores and the auto-tracking does not represent the delivery vehicles used. Musgraves deliver to Centra using their own articulated trucks which are twice the length of the truck indicated. Similar arrangements apply to other convenience chains. This location cannot support the use of larger trucks.
- Car Parking - at periods of the day the junction is subject to congestion extending back to Collins Ave. Access to Iveragh Road is difficult. Car parking is within zone 3 where one space per 75 sq m is required, requiring 8 spaces.
- The travel plan document indicates pay and display parking along Swords Road together with 16 parking spaces to service this existing group of neighbourhood shops to either side of Iveragh Road. These spaces are inadequate to cater for this existing group of neighbourhood shops which leads to congestion, double parking etc. an additional 8 parking spaces would be required. There are no proposals to provide any on-site parking. The additional 8 spaces have to be accommodated within the existing 16 spaces which represents 50% of that available.
- There are 7 neighbouring shops in this block and for any development to occupy 8 spaces would be disproportionate and unreasonable. When the premises was occupied by Bank of Ireland, staff parking was provided in the rear yard. The development would contribute to serious traffic congestion and safety issues. Photographs are supplied.

6.3. Applicant Response

Henry J Lyons Architects have responded on behalf of the first party to the grounds of appeal, including:

- Site coverage –
 - plot ratio 1.25 is below the indicative band of 1.5-2.0.
 - The proposed development would not constitute overdevelopment.

- The development plan allows for higher site coverage in certain circumstances such as ‘to facilitate comprehensive redevelopment in areas in need of urban renewal.’ The scale proposed is required to attract the most professional end users.
- The proposal would facilitate the reactivation and urban renewal of the site. The proposal would allow a scale of convenience store that is not currently offered in the locality.
- Deliveries
 - Delivery operations are envisaged as being very similar to the current deliveries to the Viscount Public House next door.
- Car Parking
 - The development standards quoted are maximum standards. The planner’s report refers to the limited size of the proposed retail unit and its location in a neighbourhood centre. The planner’s report is cited.

6.4. **Planning Authority Response**

6.5. The planning authority has responded to the grounds of appeal, stating that the planner’s report adequately sets out the position.

7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, deliveries and parking and scale of development, and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.2.2. Deliveries and Parking

7.2.3. The third party has concerns regarding deliveries, making the point that the pay and display parking bays on Swords Road may be occupied and unavailable for use for deliveries and that the rear access lane is unsuitable for delivery vehicles, being extremely tight with a width of only 3.4m at some locations. The first party in response states that delivery operations are envisaged as being very similar to the current deliveries to the Viscount Public House next door.

7.2.4. The issue of deliveries arose during the course of the application and the first party demonstrated that a delivery vehicle, a truck, can reverse up to the laneway entrance or park in the spaces along the Swords Road. The first party was also requested to clarify if they had a legal agreement for the use of the private car parking spaces along Iveragh Road as they could potentially be used for servicing / delivery. In response it has been established that Dublin City Council have charge of the parking area along Iveragh Road.

7.2.5. The first party points out that the vehicle used in the drawing showing auto-tracking is a small rigid truck overall length 7.17m, whereas many of the multiple convenience stores use articulated trucks which are twice the length of the truck indicated, which the location cannot support.

7.2.6. The further information details referred to also state that deliveries will be carried out early morning daily and it is proposed to restrict deliveries during the 7am to 10 am and 12.30 pm to 7 pm periods to limit impact on the surrounding road network. These proposals seem reasonable.

7.2.7. Dublin City Council having charge of the parking area along Iveragh Road can should the need arise, designate a loading area in vicinity of the laneway entrance.

7.2.8. I am satisfied that the servicing of the proposed development by delivery vehicles, should not be a reason to refuse permission.

7.3. Car Parking - The third party has concerns regarding parking. They state that at periods of the day the junction is subject to congestion extending back to Collins Ave and that access to Iveragh Road is difficult. They state that car parking is within zone 3 where one space per 75 sq m is required, requiring 8 spaces. They refer to the travel plan document which indicates pay and display parking along Swords Road together with 16 parking spaces to service this existing group of neighbourhood

shops to either side of Iveragh Road, stating that these spaces are inadequate to cater for this existing group of neighbourhood shops, 7 in this block, which leads to congestion and double parking. They point out that there are no proposals to provide any on-site parking.

7.3.1. The first party response states that the development standards quoted are maximum standards and that therefore 8 spaces would be the maximum permissible rather than a requirement.

7.3.2. This zoning, Z3, to provide for and improve neighbourhood facilities, is intended to provide a focal point for a neighbourhood and a limited range of services to the local population within 5 minutes walking distance. By providing essential services within walking distance of homes, in addition to improving the amenities of such residential areas it is intended that the travel patterns in these areas will become more sustainable and that there will be less parking demand and more walking to shops and services.

7.3.3. The development plan does not require the provision of car parking spaces and car parking should not be a reason to refuse permission.

7.3.4. **Scale of Development**

7.3.5. The third party has concerns regarding the scale of the development that the site coverage is excessive comprising 93%, in a zone where 60% site coverage is accepted. They consider that the existing infrastructure such as parking and delivery access etc cannot support development of this scale

7.3.6. The first party response points states that the plot ratio 1.25 is below the indicative band of 1.5-2.0 and that the development plan allows for higher site coverage in certain circumstances such as 'to facilitate comprehensive redevelopment in areas in need of urban renewal.' They consider that the proposed development would not constitute overdevelopment and they state that the scale proposed is required to attract the most professional end users.

7.3.7. In relation to scale, the planner's report considered that given the scale height and layout and the orientation of the site the proposed development will not impinge unduly on adjoining properties. The report recommended requesting a revised

drawing showing the extension set back, and clarifying the location of waste /bin storage. The requested revision has been complied with.

- 7.3.8. A site coverage standard is usually a method of ensuring that adequate outdoor space is provided for natural light and ventilation around a building. Plot ratio determines the amount of development which can be supported by services etc. In this case the proposed development is below the indicative plot ratio standards.
- 7.3.9. Site coverage should be considered in the context of the site adjoining the blank wall of the adjoining public house premises where ventilation is provided at roof level and air conditioning units are housed on the gable wall, projecting into the laneway at first floor. The proposed development is provided with outdoor storage and in particular bin storage space is available on site, therefore the proposed development will not contribute to the considerable amount of bin storage in the laneway.
- 7.3.10. In my opinion the scale of the development is not excessive and should not be a reason to refuse permission.

8.0 Recommendation

- 8.1. In the light of the above assessment, I recommend that planning permission be granted, subject to the following conditions and for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning: Z3 to provide for and improve neighbourhood facilities, it is considered that subject to the attached conditions the proposed convenience retail outlet would contribute to the range of services available to the local population, would improve the amenities of adjoining residential areas, would facilitate walking in lieu of car use, would not unduly impact on adjoining properties or cause traffic congestion and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 27 day of April 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development details of the location of the plant and details of the materials, colours and textures of the plant screen and steel sliding gate shall be submitted to and agreed in writing by the Planning Authority.

Reason: To protect the visual amenities of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, including:
 - a) the development shall incorporate sustainable drainage systems in the management of stormwater. Full details of these shall be agreed in writing with the Drainage Division of Dublin City Council prior to commencement of construction.
 - b) All surface water discharge from the development must be attenuated to two litres per second per hectare.

Reason: In the interest of public health and sustainable development.

- 4 Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 5 During the construction and demolition phases, the proposed development shall comply with British Standard 5228 – Noise Control on Construction and open sites Part 1.

Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all plant is operating, shall not exceed the LA90, when no plant is operating, by 5dB(A) or more.

Reason: In order to safeguard the amenities of property in the vicinity.

- 6 The developer shall pay to the planning authority a financial contribution of €11,784 (eleven thousand seven hundred and eighty-four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Planning Inspector

25th September 2017

Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022